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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,456	05/03/2001	Michael W. Barry	TRSY-23,859	7206

25883 7590 12/02/2003

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EXAMINER
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WALLERSON, MARK E

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 12/02/2003

114

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/848,456

Applicant(s)  
Zuber

Examiner  
Mark Wallerson

Art Unit  
2626



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 10, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 32-39 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 2626

**Part III DETAILED ACTION**

***Notice to Applicant(s)***

1. This action is responsive to the following communications: amendment filed on **11/10/2003**.
2. This application has been reconsidered. Claims 32-39 are pending.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 32-39 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no disclosure in the original specification of “an associated printing location” .

There is no disclosure in the original specification of “**substantially** all the pixels” as claimed in lines 8 and 9 of claim 32.

There is no disclosure in the original specification of decrementing the toner level value in the toner level register for the print engine at the associated printing location if a comparison of

Art Unit: 2626

the accumulated image value with the toner level value for the print engine at the associated printing location indicates that the accumulated image value in the first register is less than or equal to the toner level value in the toner level register associated with the print engine at the associated printer location.

There is no disclosure in the original specification of sending the rasterized image to the print engine at the associated printing location for rendering only if the toner level value associated therewith has been decremented.

Again, If Applicant believes these rejections to be in error, Applicant is **requested** to provide **SPECIFIC** support for this subject matter in the claims.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakuma (U. S. 5,663,750) in view of Fukui et al (Fukui) (U. S. 5,124,751).

With respect to claim 32, Sakuma discloses a method for determining the amount of toner required to render a print job without prior knowledge of the toner level of a toner cartridge (column 2, lines 16-29); accumulating in a first register (22) toner values of all the pixels in a

Art Unit: 2626

rasterized image prior to sending the job to the printer (column 4, lines 39-59); decrementing the register of the print engine at the printing location (which reads on updating the remaining ink value stored in the non-volatile memory) (column 8, lines 53-58) if a comparison of the accumulated value with the toner level indicates that the accumulated value is less than or equal to the toner level of the print engine (which reads on updating the remaining ink value stored in non-volatile memory 21 when more than a little ink remains) (column 5, line 59 to column 6, line 3), and sending the print job to the printing location for rendering (column 5, lines 59-61).

Sakuma differs from claim 32 in that he does not clearly disclose that the toner values are expressed as an incremental value ranging from zero to a maximum value. Fukui discloses an image forming apparatus wherein pixels of an image are classified in gradient levels ranging from 0 to 255 (column 5, lines 19-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sakuma wherein the toner values are expressed as an incremental value ranging from zero to a maximum value. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sakuma by the teaching of Fukui in order to determine the amount of toner to be supplied as disclosed by Fukui in column 2, lines 38-48.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Art Unit: 2626

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

MARK WALLERSON  
PRIMARY EXAMINER

MARK WALLERSON